IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 2586/2007
(Narsingh Vs. State of Rajasthan & Ors.)

Date of Order : 04/05/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. B.N.Kalla for the petitioner.

BY THE COURT:-

By the instant writ petition under Article 226 of the Constitution of India, the petitioner seeks quashing of the order Annex.10 dated 31.1.2007/02.02.2007 and the order Annex.16 dated 22.3.2007.

Heard learned counsel for the petitioner.

By order Annex.9, the petitione was transferred from Asvavta, Chittor to Orva, Banswara in compliance of the judgment dated 27.8.2003 in Appeal No. 278/03. It appears that the petitioner was earlier transferred vide order dated 18.7.2003 which came to be challenged by the petitioner by way of filing an appeal referred herein above. The appellate authority set aside the order and thereafter a fresh order has been passed vide order Annex.9. By order Annex.10, the petitioner has been

transferred from Orva, Banswara to Menar, Udaipur. That order came to be challenged by the petitioner before this Court by way of fiilng a writ petition being S.B.Civil Writ Petition No. 1180/07 which came to be dismissed on the ground of alternative remedy vide order dated 08.3.2007. However, the petitioner was granted liberty to file an appeal against the order impugned Annex.10. The petitioner preferred an appeal before the Rajasthan Civil Services Appellate Tribunal, Rajasthan, Jaipur Circuit Bench, Jodhpur (for short 'the tribunal' hereinafter). The tribunal dismissed the appeal vide order dated 22.3.2007 Annex.16. Hence this writ petition.

Learned counsel for the petitioner submits that the petitioner may be permitted to make a representation before the competent authority against his transfer order and the respondents may be directed to consider and decide the representation in accordance with law. He has relied on a Division Bench decision of this Court in Smt. Asha Vyas Vs. State of Rajasthan 2000 WLC (Raj.) UC, 743, wherein the Division Bench upheld the order of learned Single Judge dismissing the writ petition challenging the order of transfer, however, directed the petitioner therein to make a representation before the competent authority against the transfer order and on receiving such representation, the competent authority was directed to decide the same after extending the opportunity of hearing to

the petitioner therein as early as possible preferably within three months thereof.

In this view of the matter, the petitioner is permitted to make a detailed representation ventilating his grievances against the transfer order Annex.10 dt. 31.1.2007/ 02.02.2007 before the competent authority and on receiving such representation, the competent authority shall consider and decide the same strictly in accordance with law within two months therefrom.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

(H.R.PANWAR),J.

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